

# Calendar No. 663

117TH CONGRESS  
2D SESSION

# S. 4321

To amend the Save Our Seas 2.0 Act to improve the administration of the Marine Debris Foundation, to amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 26, 2022

Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 15, 2022

Reported by Ms. CANTWELL, with an amendment

[Insert the part printed in italic]

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## A BILL

To amend the Save Our Seas 2.0 Act to improve the administration of the Marine Debris Foundation, to amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Save Our Seas 2.0  
3   Amendments Act”.

4   **SEC. 2. MODIFICATIONS TO THE MARINE DEBRIS FOUNDA-  
5                      TION.**

6       (a) STATUS OF FOUNDATION.—Section 111(a) of the  
7   Save Our Seas 2.0 Act (33 U.S.C. 4211(a)) is amended,  
8   in the second sentence, by striking “organization” and in-  
9   serting “corporation”.

10      (b) BOARD OF DIRECTORS.—

11           (1) APPOINTMENTS AND REMOVAL.—Section  
12   112(b) of such Act (33 U.S.C. 4212(b)) is amend-  
13   ed—

14                  (A) in paragraph (1), in the matter pre-  
15   ceding subparagraph (A), by inserting “and  
16   such other criteria as the Under Secretary may  
17   establish” after “subsection (a)”;

18                  (B) in paragraph (5), by inserting “the  
19   Administrator of the United States Agency for  
20   International Development,” after “Service,”;

21                  (C) by redesignating subparagraphs (2)  
22   through (5) as subparagraphs (3) through (6),  
23   respectively; and

24                  (D) by inserting after paragraph (1) the  
25   following:

1                 “(2) RECOMMENDATIONS OF BOARD REGARD-  
2         ING APPOINTMENTS.—For appointments made  
3         under paragraph (1) other than the initial appoint-  
4         ments, the Board shall submit to the Under Sec-  
5         retary recommendations on candidates for appoint-  
6         ment.”.

7                 (2) GENERAL POWERS.—Section 112(g) of such  
8         Act (33 U.S.C. 4212(g)) is amended—

9                     (A) in paragraph (1)(A), by striking “offi-  
10          cers and employees” and inserting “the initial  
11          officers and employees of the Board”; and

12                     (B) in paragraph (2)(B)(i), by striking  
13          “chief operating officer” and inserting “chief  
14          executive officer”.

15                 (3) CHIEF EXECUTIVE OFFICER.—Section 112  
16         of such Act (33 U.S.C. 4212) is amended by adding  
17         at the end the following:

18                 “(h) CHIEF EXECUTIVE OFFICER.—

19                     “(1) APPOINTMENT; REMOVAL; REVIEW.—The  
20          Board shall appoint and may remove and review the  
21          performance of the chief executive officer of the  
22          Board.

23                     “(2) POWERS.—The chief executive officer of  
24          the Board may appoint, remove, and review the per-

1 performance of any officer or employee of the Foundation-  
2 tion.”.

3 (c) POWERS OF FOUNDATION.—Section 113(c)(1) of  
4 such Act (33 U.S.C. 4213(c)(1)) is amended, in the mat-  
5 ter preceding subparagraph (A)—

6 (1) by inserting “nonprofit” before “corpora-  
7 tion”; and

8 (2) by striking “acting as a trustee” and insert-  
9 ing “formed”.

10 (d) PRINCIPAL OFFICE.—Section 113 of such Act  
11 (33 U.S.C. 4213) is amended by adding at the end the  
12 following:

13 (g) PRINCIPAL OFFICE.—The Board may locate the  
14 principal office of the Foundation outside the District of  
15 Columbia and is encouraged to locate that office in a  
16 coastal State.”.

17 (e) USE OF FUNDS.—Section 118 of such Act (33  
18 U.S.C. 4218) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2), by striking “and  
21 State and local government agencies” and in-  
22 serting “, State and local government agencies,  
23 United States and international nongovern-  
24 mental organizations, regional organizations,  
25 and foreign government entities”; and

- 1                             (B) in paragraph (3)—  
2                                 (i) in the paragraph heading, by strik-  
3                                 ing “PROHIBITION” and inserting “LIMI-  
4                                 TATION”; and  
5                                 (ii) by striking subparagraph (B) and  
6                                 inserting the following:  
7                                 “(B) SALARIES.—The Foundation may use  
8                                 Federal funds described in subparagraph (A) to  
9                                 pay for salaries only during the 24-month pe-  
10                                 riod beginning on the date of the enactment of  
11                                 this Act. The Secretary shall not require reim-  
12                                 bursement from the Foundation for any such  
13                                 Federal funds used to pay for such salaries.”;  
14                                 and  
15                                 (2) in subsection (b)(2), by striking “and State  
16                                 and local government agencies” and inserting “,  
17                                 State and local government agencies, United States  
18                                 and international nongovernmental organizations, re-  
19                                 gional organizations, and foreign government enti-  
20                                 ties”.

1   **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS PROGRAM**

2                   **OF THE NATIONAL OCEANIC AND ATMOS-**

3                   **PHERIC ADMINISTRATION.**

4       (a) GRANTS, COOPERATIVE AGREEMENTS, CON-  
5     TRACTS, AND OTHER AGREEMENTS.—Section 3(d) of the  
6     Marine Debris Act (33 U.S.C. 1952(d)) is amended—

7                  (1) in the subsection heading, by striking “AND  
8          CONTRACTS” and inserting “CONTRACTS, AND  
9          OTHER AGREEMENTS”;

10                 (2) in paragraph (1), by striking “and con-  
11         tracts” and inserting “, contracts, and other agree-  
12         ments”;

13                 (3) in paragraph (2)—

14                   (A) in subparagraph (B)—

15                   (i) by striking “part of the” and in-  
16         serting “part of a”; and

17                   (ii) by inserting “or (C)” after “sub-  
18         paragraph (A)”; and

19                   (B) in subparagraph (C), in the matter  
20         preceding clause (i), by inserting “and except as  
21         provided in subparagraph (B)” after “subpara-  
22         graph (A)”; and

23                 (4) by adding at the end the following:

24                   “(7) IN-KIND CONTRIBUTIONS.—With respect  
25         to any project carried out pursuant to a contract or  
26         other agreement entered into under paragraph (1)

1       that is not a cooperative agreement or an agreement  
2       to provide financial assistance in the form of a  
3       grant, the Administrator may contribute on an in-  
4       kind basis the portion of the costs of the project that  
5       the Administrator determines represents the amount  
6       of benefit the National Oceanic and Atmospheric  
7       Administration derives from the project.”.

8           (b) RECEIPT AND EXPENDITURE OF FUNDS; USE OF  
9 RESOURCES.—Section 3 of the Marine Debris Act (33  
10 U.S.C. 1952) is amended by adding at the end the fol-  
11 lowing:

12           “(e) RECEIPT AND EXPENDITURE OF FUNDS.—In  
13 order to accomplish the purpose set forth in section 2, the  
14 Administrator, acting through the Program, may receive  
15 and, only to the extent provided in advance in appropria-  
16 tions Acts, expend funds made available by—

17           “(1) any department, agency, or instrumen-  
18 tality of the United States;

19           “(2) any State, local, or tribal government (or  
20 any political subdivision thereof);

21           “(3) any foreign government or international  
22 organization;

23           “(4) any public or private organization; or  
24           “(5) any individual.

1       “(f) USE OF RESOURCES.—In order to accomplish  
2 the purpose set forth in section 2, the Administrator, act-  
3 ing through the Program, may use, with consent, with re-  
4 imbursement, and subject to the availability of appropria-  
5 tions, the land, services, equipment, personnel, and facili-  
6 ties of—

7           “(1) any department, agency, or instrumen-  
8 tality of the United States;

9           “(2) any State, local, or tribal government (or  
10 any political subdivision thereof);

11           “(3) any foreign government or international  
12 organization;

13           “(4) any public or private organization; or

14           “(5) any individual.”.

15 **SEC. 4. BEST PRACTICES.**

16       *Section 113 of the Save Our Seas 2.0 Act (33 U.S.C.  
17 4213) (as amended by section 2(d)) is amended by adding  
18 at the end the following:*

19       “(h) BEST PRACTICES.—

20           “(1) TRIBAL GOVERNMENT.— In this paragraph,  
21 the term ‘Tribal government’ means the recognized  
22 governing body of any Indian or Alaska Native tribe,  
23 band, nation, pueblo, village, community, component  
24 band, or component reservation individually identi-  
25 fied (including parenthetically) in the list published

1       *most recently as of the date of enactment of the Save*  
2       *Our Seas 2.0 Amendments Act pursuant to section*  
3       *104 of the Federally Recognized Indian Tribe List Act*  
4       *of 1994 (25 U.S.C. 5131).*

5           “(2) *BEST PRACTICES.*—*The Foundation shall*  
6       *develop and implement best practices for conducting*  
7       *outreach to Tribal governments and Indian Tribes.*

8           “(3) *REQUIREMENTS.*—*The best practices devel-*  
9       *oped under paragraph (2) shall—*

10           “(A) *include a process to support technical*  
11       *assistance and capacity building to improve out-*  
12       *comes; and*

13           “(B) *promote an awareness of programs*  
14       *and grants available under this Act.”.*

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